

Ready Mixed Concrete Company  
Employees by Seniority

Page 3

MONTY W ROBINSON  
560 WOOD STREET  
MOUNT JOY  
PA 17552

Telephone No: 717 653-9006  
Start Date: 06/11/84  
SS Number: 190-44-9941

TIMOTHY CUNNINGHAM  
203 BREWSTER DR  
LANCASTER  
PA 17603

Telephone No: 717 394-8182  
Start Date: 07/03/84  
SS Number: 191-52-9446

JOHN W ADAMS  
62 DEER RUN RD  
NOTTINGHAM  
PA 19362

Telephone No: 717 529-6005  
Start Date: 10/01/84  
SS Number: 188-38-5189

3949557

FRANK A CONRAD  
2072 N DANVILLE PIKE  
LANCASTER  
PA 17603

Telephone No: 717 872-6007  
Start Date: 12/26/84  
SS Number: 189-36-7984

JOHN F SHERICK  
580 OWL BRIDGE RD  
WASHINGTON BORO  
PA 17582

Telephone No: 717 872-8043  
Start Date: 03/26/85  
SS Number: 175-46-0461

ROBERT E EITNIER  
21 W ORANGE ST  
LITITZ  
PA 17543

Telephone No: 717 626-6056  
Start Date: 04/08/85  
SS Number: 210-44-3474

ROGER K BROSEY  
313 LEBANON RD  
MANHEIM  
PA 17545

Telephone No: 717 665-2460  
Start Date: 06/03/85  
SS Number: 208-46-2595

THOMAS D THOMPSON  
1925 TEMPLE AVE  
LANCASTER  
PA 17603

Telephone No: 717 393-8826  
Start Date: 07/18/85  
SS Number: 207-44-7528

JAMES RINIER  
629 BEAVER VALLEY PIKE  
LANCASTER  
PA 17602

Telephone No: 717 464-3520  
Start Date: 06/23/86  
SS Number: 204-28-8692

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Ready Mixed Concrete Company  
Employees by Seniority

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MICHAEL L MATTHEWS  
850 LIME VALLEY ROAD  
WILLOW STREET  
PA 17584

Telephone No: 717 464-2455  
Start Date: 08/14/89  
SS Number: 179-48-6530

CHARLES L KERST  
BOX 7502  
LANCASTER  
PA 17604

Telephone No: 717 399-9974  
Start Date: 08/30/90  
SS Number: 205-48-7411

TERRY L WILSON  
11 N BROAD STREET  
LANCASTER  
PA 17602

Telephone No: 717 397-1286  
Start Date: 08/31/90  
SS Number: 210-38-5629

PHILIP D SCHRECK  
1745 SOUTHPORT DR  
LANCASTER  
PA 17603

Telephone No: 717 392-5050  
Start Date: 06/22/92  
SS Number: 191-54-4485

Ready Mixed Concrete Company  
Employees by Seniority

Page 1

EDWARD RICK III  
125 DUNHARROW DR  
LANCASTER  
PA 17601

Telephone No: 717 569-4403  
Start Date: 03/03/69  
SS Number: 165-32-1589

WALTER HOCKENSMITH  
3152 LINCOLN HWY E  
PARADISE  
PA 17562

Telephone No: 717 687-0607  
Start Date: 03/28/79  
SS Number: 195-42-1211

CAROL A STUMP  
456 JUNIATA ST  
LANCASTER  
PA 17602

Telephone No: 717 394-1780  
Start Date: 09/06/82  
SS Number: 170-28-7648

JEFFERY T STAUFFER  
15 IRON HORSE DR  
LITITZ  
PA 17543

Telephone No: 717 627-3851  
Start Date: 05/27/85  
SS Number: 199-40-4443

BEVERLY J KREIDER  
30 RIDGEWOOD MANOR  
MANHEIM  
PA 17545

Telephone No: 717 653-2414  
Start Date: 10/03/88  
SS Number: 197-52-9667



LAW OFFICES

MULLIN, RHYNE, EMMONS AND TOPEL

PROFESSIONAL CORPORATION

1000 CONNECTICUT AVENUE - SUITE 500  
WASHINGTON, D. C. 20036-5363

(202) 659-4700 TELECOPIER (202) 872-0604

Rick Deposition Exhibit 4

EUGENE F. MULLIN  
SIDNEY WHITE RHYNE  
NATHANIEL F. EMMONS  
ROBERT E. LEVINE  
HOWARD A. TOPEL

MARK N. LIPP  
CHRISTOPHER A. HOLT  
J. PARKER CONNOR  
OF COUNSEL  
\*NOT ADMITTED IN DC

TO: Ed Rick, III

FROM: Christopher A. Holt, Esq.

COMPANY: Ready Mixed Concrete Co.

TRANSMITTING FAX PHONE NUMBER:  
(202) 872-0604

FAX PHONE NUMBER: 717-394-7006

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DATE: 4/15/93

NO. OF PAGES INCLUDING  
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TIME SENT: 9:40 a.m.

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MESSAGE/SPECIAL INSTRUCTIONS:

Enclosed is a draft of the statement that I believe incorporates the facts you related to me yesterday. Please read the statement carefully, and call me at your earliest convenience to discuss whether there should be any additions or modifications. Thanks again for your help. I look forward to speaking with you again soon.

A hard copy will follow by

A hard copy will not follow X

Overnight delivery       

Mail       

Courier       

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NOTE: This message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

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AFFIDAVIT OF EDWARD RICK, III

I, Edward Rick, III, hereby declare as follows:

1. I am the Vice-President and an owner of Ready Mixed Concrete Company of Lancaster, 36 Erick Road, Lancaster, Pennsylvania (hereinafter referred to as "Ready Mixed"). As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of Raystay Company ("Raystay") for authority to construct low power television stations on Channels 23 and 31 in Lancaster, Pennsylvania.

2. On February 14, 1989, I was visited at my office by a person who identified himself as Gregory B. Daly. Mr. Daly gave me his card and told me that he was interested in placing a TV antenna on the roof of our plant. We discussed his proposal generally, and he filled out the form letter attached to this Affidavit as Appendix B, which he asked me to sign. I refused, however, because I had very little information about his proposal. He was unable to tell me the size of the structure he wished to build, nor could he assure me that the antenna would not cause interference to other communications facilities that were located on the roof. I felt that the form he had prepared contained legal jargon that might create a binding commitment, which I was not willing to give. I therefore declined to sign the form as requested.

3. Mr. Daly then asked me to draft a brief letter expressing my general willingness and ability to negotiate a lease for space on our roof. He asked me to quote a ballpark figure for rent, which I did by randomly choosing the figure \$350 per month because I was not quite sure what he had in mind. We did not discuss particulars about the potential terms of a lease, nor did we discuss the specifics of his plans for the antenna. Attached to this Affidavit as Appendix C is a copy of the letter that I provided to Mr. Daly at the end of his visit.

4. Over two and a half years later, on October 16, 1991, I received a visit from someone whose name I do not recall who said that he was the new owner of the right to place an antenna on our roof. This was news to me since I knew I had not given such a right to anyone. Nevertheless, I spoke with the person about whether our facilities would suit his needs. He told me that he would require a dust free area for his equipment, but I explained that, as a cement company, we could not assure him a dust free environment. Consequently, he told me that he did not think the site would be suitable, and he left after giving me the impression that he had no plans to pursue the matter further. Attached to this Affidavit as Appendix D is a copy of a note that I wrote and placed in my files at the conclusion of his visit.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix E. I understand that Raystay submitted this sketch to the FCC in applications that it filed in March 1989 for two low power television station licenses in Lancaster. In reviewing the sketch, I can state with certainty that I did not tell Mr. Daly that Ready Mixed would consider leasing roof space for a structure like the one depicted in the diagram. As stated above, I was never fully aware what Mr. Daly was planning. He could not answer my questions regarding the size of the antenna, and he did not explain to me how it would be mounted. I certainly was not aware that he was planning to ask the FCC for authority to construct a 97-foot structure sufficient to support two broadcast antennas. If Mr. Daly had told me of his true plans, I would have had immediate concerns about the roof's capacity to hold such a structure as well as the potential interference to other communications facilities that the structure might have caused.

6. I also have reviewed the statement attached hereto as Appendix F, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are untrue. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of



the antenna site specified in the applications..." As Vice-President and an owner of Ready Mixed, I have principal supervisory responsibility over all aspects of the company's operations, including the negotiation and approval of all lease agreements involving the company's facilities. To the best of my knowledge, Ready Mixed has had no lease negotiations with Raystay or any representative of that company at any time. Indeed, apart from Mr. Daly's visit in February 1989, and the visit in October 1991 described in paragraph 4 above, no representative of Raystay has contacted Ready Mixed at any time about the matter.

7. Likewise, I am aware of no visit to Ready Mixed by any representative of Raystay other than visits described in paragraphs 2 and 4 above. And, to the best of my knowledge, during those visits only a single individual was present. The final visit, which occurred on October 16, 1991, lasted only a few moments and resulted in the visitor telling me that our facilities would not suit his needs because of the dust. Thus, if the statement contained in Appendix F is meant to suggest that representatives of Raystay have inspected our roof or made any other preparations to initiate construction at our facility, that claim is not true. To the contrary, as stated in paragraph 4 above, I was led to believe from my conversation with the October 1991 visitor he had no further interest in our facilities, and I have not heard from him since.

8. I understand that this Affidavit may be submitted to the FCC, and I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.

\_\_\_\_\_  
Edward Rick, III

COMMONWEALTH OF PENNSYLVANIA    )  
  )  
COUNTY OF LANCASTER            )           ss:

Sworn to and subscribed before me this \_\_\_\_ day of April, 1993.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

**APPENDIX A**

**APPENDIX B**

# Tel S A, Incorporated

REFERENCE: LETTER OF INTENT

RIGHT-OF-WAY SPECIALISTS

3500 WHITEHAVEN PKWY N.W.

WASHINGTON, DC 20007-2263

(202) 333-1985, 0.7

Market Name: Lancaster, PA County: Lancaster

The undersigned is willing and able to lease to the addressee and/or its assignees, with the price and terms to be subsequently agreed upon, the following property should the Federal Communications Commission (FCC) grant a construction permit (license) to the addressee and/or its assignees:

- ( ) 1. Parcel of land \_\_\_\_\_ (size) near existing tower  
 ( ☒ ) 2. Rooftop at approx. \_\_\_\_\_ feet above ground level (AGL)  
 ( ) 3. Tower space approx. \_\_\_\_\_ feet AGL; NOTE-IF LESS THAN 300ft\* THEN:

- ( ) -Lessee, at his expense, may extend tower height to \_\_\_\_\_ ft AGL  
 ( ) -Lessee, at his expense, may replace tower with stronger (write S)  
 ( ) AND/OR taller (write T) tower pending FAA and zoning approval  
 ( ) 4. Owner can provide a sheltered equipment space (20' X 20')

Site is miles N NE E SE S SW W NW of \_\_\_\_\_ (Nearest Town)

Physical Description: \_\_\_\_\_

Site Address: \_\_\_\_\_

Ruby Fire Concrete Company of Lancaster, PA  
36 Erick Road  
Lancaster, PA 17603

N Lat: \_\_\_\_\_ W. Long: \_\_\_\_\_ Ground Elev: \_\_\_\_\_

Cell Sign: \_\_\_\_\_ Quad Map: Lancaster 1:250,000 Map: \_\_\_\_\_

Nearest airport: \_\_\_\_\_ is \_\_\_\_\_ miles N NE E SE S SW W NW of site

This letter does not constitute a lease agreement but is intended to give reasonable assurance of the availability of this site for the above named purposes.

Owner or Authorized Agent

Addressee's Agent

Date

Date

Owner's Mailing Address:

Edward Riche, Jr.

PLEASE

36 Erick Road

PRINT

Lancaster, PA 17603

Owner's Telephone No:

(717) 394-0637

\* Applies only in flat areas and not where site is above average terrain

**APPENDIX C**

# READY MIXED CONCRETE COMPANY of LANCASTER, PA.

36 ERICK ROAD  
Telephone -- 717-394-0637



P.O. BOX 1205  
LANCASTER, PA. 17603

February 14, 1989

To whom it may concern:

The under signed is willing and able to negotiate the leasing of space or part of a building for the placement of a T.V. antenna-structure. The rental figure for the first three years will be \$350. per month. Access may be given on an existing building which is 90 feet high.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Edward Rick, III'. The signature is stylized with loops and a long horizontal stroke.

Edward Rick, III

**APPENDIX D**





# Keystone Cement Co.

Sales Office  
7311 Airport Road  
Bath, PA 18014

PA 800-255-5735

Office 800-523-5442

10-16-91

Now visit from NEW  
Cement Plant.

Wash DUST Free area

(No)

## Keystone Aggregate Products

Bath, PA

1-800-255-5736

215-837-1881

**APPENDIX E**

**APPENDIX F**

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

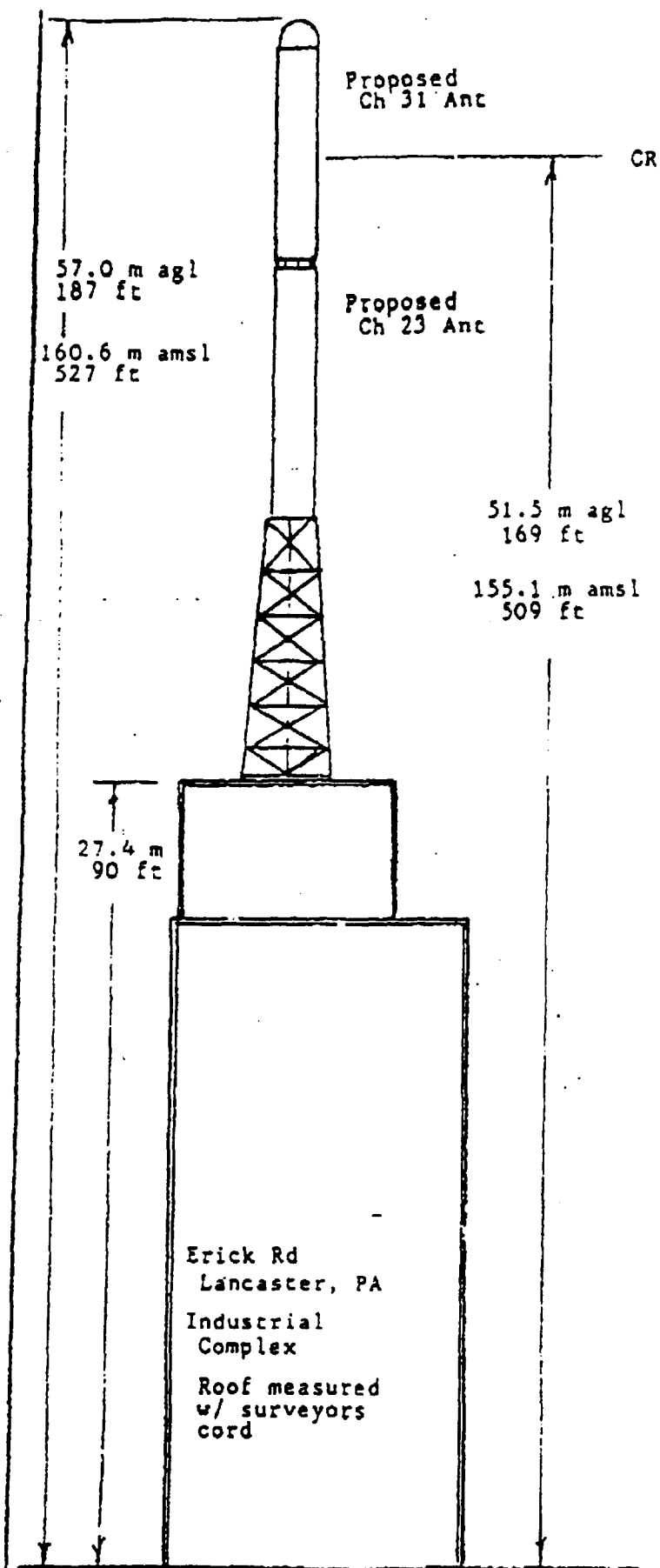
At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.



**Figure 3**  
Vertical Plan Sketch  
of Supporting Structure

Channel 31  
Raystay Company  
Lancaster, Pennsylvania

R. L. HOOVER  
CONSULTING  
TELECOMMUNICATIONS ENGINEER

Proposed  
Site

N 40° 03' 47"  
W 76° 19' 09"

Painted & Lighted  
in Accordance with  
FAA Specifications

Drawing not to scale



LAW OFFICES  
MULLIN, RHYNE, EMMONS AND TOPEL  
PROFESSIONAL CORPORATION

1000 CONNECTICUT AVENUE - SUITE 500  
WASHINGTON, D. C. 20036-5383

(202) 659-4700 TELECOPIER (202) 872-0604

Rick Deposition Exhibit 5

EUGENE F. MULLIN	MARK N. LIPP*
SIDNEY WHITE RHYNE	CHRISTOPHER A. HOLT
NATHANIEL F. EMMONS	J. PARKER CONNOR
ROBERT E. LEVINE	OF COUNSEL
HOWARD A. TOPEL	*NOT ADMITTED IN DC

TO: Ed Rick, III

FROM: Christopher A. Holt, Esq.

COMPANY: Ready Mixed Concrete Co.

TRANSMITTING FAX PHONE NUMBER:  
(202) 872-0604

FAX PHONE NUMBER: 717-394-7006

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MESSAGE/SPECIAL INSTRUCTIONS:

Enclosed is a redlined draft of your statement which incorporates the facts we discussed yesterday. The draft shows the changes I have made by running a line through text that has been deleted and by shading the text that has been added. If you are unable to read the shaded areas due to the quality of the fax, please let me know and I will send you a clean copy with the additions underlined. Once you have reviewed the draft, please give me a call to discuss it. I will then send you a clean copy by federal express for your signature. Thanks again for your help.

A hard copy will follow by \_\_\_\_\_

A hard copy will not follow   X  

Overnight delivery \_\_\_\_\_  
Mail \_\_\_\_\_  
Courier \_\_\_\_\_

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Transmitting Equipment: Xerox 7010 (Group III)



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